

Serial No.: 10/587,265
Atty. Docket No.: P69471US1

REMARKS

The Final Office Action mailed May 20, 2011, has been carefully reviewed and, by this Amendment, Applicants have canceled claim 31, and amended claims 1 and 32. Claims 1-16, 18-28, 32 and 33 are pending in the application. Claims 1, 14, 22 and 29 are independent. Claims 14-16 and 18-28 are withdrawn.

The Examiner rejected claims 1-5, 7-13 and 31-33 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,941,133 to Chen. Also under 35 U.S.C. 103(a), the Examiner rejected claim 6 as being unpatentable over Chen in view of U.S. Patent No. 6,326,421 to Lipman.

As set herein, claim 1 has been amended to include the limitation previously set forth in claim 31. Therefore, this amendment is proper after final action in that the combination of claims 1 and 31 has already been presented to the Examiner for consideration. Applicant requests reconsideration of claim 1 as now amended, and in support thereof provides the following remarks.

As set forth in claim 1, the present invention is directed to an absorbing element having adhesive properties including hydrocolloids in an elastomeric matrix. At least a part of a first facade of the absorbing element includes a plurality of grottos. Each grotto is at least 5 μ m in diameter, and the average

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diameter of the plurality of grottos is less than 300 μ m. *The first facade with the grottos is at least part of a skin-contacting surface of the absorbing element.* This is not shown or suggested by Chen.

Chen discloses a peristomal covering 11 including an adhesive member 13 and a backing member 12. A stoma bag may be adhesively secured to the backing member. The backing member is embossed to have a pattern of dimples 18 separated by raised ridges that prevent any leakage of fluid from the stoma bag seeping across the backing member to reach the edge of the covering. It is evident that in each of the embodiments shown in Chen, the side of the backing member having the ridges and dimples must be "exposed" (see column 3, lines 16-18; column 3, lines 54-56; column 4, lines 11-14). However, *in none of the embodiments of Chen is the side of the backing member having the ridges and dimples part of the skin-contacting surface.*

In fact, the ridged and dimpled side of the backing member in Chen cannot be part of the skin-contacting surface. More particularly, Chen describes the ridges and dimples as serving to impede seepage of fluid from the stoma so that the stoma fluid, which is corrosive, cannot weaken the bond between the bag and the peristomal cover 1 (see column 3, lines 16-25), or between the bag

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and the adhesive member (see column 3, lines 54-59; column 4, lines 11-19). There is nothing to suggest that that the ridges and dimples be used to prevent weakening of a bond between the ridged and dimpled side of the backing layer *and the patient's skin*, as would occur if the ridged and dimpled side of the backing layer were part of a skin contacting surface.

There is no such bond to the skin because, as is known by persons of skill in the art, the stomal fluid must be prevented from contacting the stoma patient's skin to prevent injury. Accordingly, there is and could be no embodiment of Chen in which the ridged and dimpled side of the backing member is *part of the skin-contacting surface*.

In rejecting claim 31 which had contained the limitation now set forth in claim 1, the Examiner referred to Figure 6; column 3, lines 5-10, and column 3, line 60 to column 4, line 3, of Chen as teaching that the facade with the grottos is part of the skin contacting surface. Applicant requests reconsideration as to what these portions of Chen actually disclose.

Column 3, lines 5-10 of Chen provide that the peristomal cover 11 is adhered to the patient's skin. The cover 11 has a backing sheet 12 with an exposed surface 14 on the opposite side of the skin-contacting side of the cover; the exposed surface is that

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portion of the bandage or cover 11 having the ridges and dimples. A stomal bag is then adhered to the exposed surface 14. Clearly, the exposed surface 14 is not part of the skin-contacting surface of the cover 11.

The embodiment of Chen described at column 3, line 60 to column 4, line 3, includes a disposable bag 30 having a face plate 31. "The bag is attached to the skin by means of an adhesive member, not shown, which is preferably the double sided pressure sensitive adhesive foam disc described above" (column 3, line 68 to column 4, line 3; emphasis added). A backing member 12 having a facade side 14 with raised ridges 17 is attached to the face plate 31 so that *side 14 with the ridges 17 is exposed* (column 4, lines 11-14). The bag is then attached to the skin by pressing exposed side 14 against the double sided pressure sensitive adhesive foam disc (column 4, lines 14-16). Therefore, the side 14 with the ridges 17 contacts the double sided pressure sensitive adhesive foam disc and it is *the foam disc that contacts the skin*, and not the dimpled/ridged side 14 of the backing member 12.

In sum, no embodiment of Chen teaches or suggests that the ridged and dimpled side of the backing member is *part of the skin-contacting surface*.

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For at least the foregoing reasons, claim 1 as amended is patentable over Chen. Entry of the amendment and allowance of claim 1 is requested.

Claims 2-13, 32 and 33 are also in condition for allowance as claims properly dependent on an allowable base claim.

With this amendment and the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

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